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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,653	12/12/2001	Robert J. Koziy	980.2USC1	9785

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EXAMINER	
HYUN, SOON D	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/017,653	KOZIY ET AL.	
	Examiner	Art Unit	
	Soon D. Hyun	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Withdrawal of Finality of Last Office Action

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 14-21, 23-28, and 33-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen et al (U.S. Patent No. 5,821,510).

Regarding claims 14 and 33, Cohen et al (Cohen) discloses a cross-connect system and method of acquiring connection information for termination elements, comprising:

a plurality of termination elements (receptacles 6 in FIG. 4) through which cross-connections can be made;

a first communication medium (a jumper 8 in FIG. 4) communicatively coupling cross-connected termination elements of the plurality of termination elements, the first communication medium communicating (transferring) user information signals (traffic,

col. 3, line 21-22, col. 5, lines 64-65) between cross-connected termination elements of the plurality of termination elements;

a second communication medium (a medium connecting a hand-held optical scanner and a receiver interface 16 in FIG. 1A, col. 6, lines 15-23) separate from the first communication medium such that the user information signals are communicated only over the first communication medium, the second communication medium communicating (receiving) connection information signals (optically encoded data 9-13, col. 5, lines 7-65); and

a processor (17 in FIG. 1A) coupled to the first and second communication mediums, the processor coordinating the communication of the connection information signals via the second communication medium and acquisition of connection information with regard to the cross-connected termination elements (col. 6, lines 41-46).

Regarding claims 15 and 34, Cohen further discloses that the first communication medium comprises an optical communication medium (col. 4, lines 40-41).

Regarding claims 16 and 35, Cohen further discloses that the second communication medium comprises an electrical communication medium (col. 6, lines 15-23).

Regarding claims 17 and 36, Cohen further discloses a patch cord (the jumper 8 in FIG. 2), the patch cord comprising a first communication pathway and a second communication pathway (the medium for transmitting optically encoded data

13), the first communication pathway providing communication of user information signals (the traffic) between a first termination element (a first receptacle) and a second termination element (a second receptacle), and the second communication pathway providing communication of connection information signals (optically encoded data 13, col. 5, lines. 45-65) to and from the first and second termination elements.

Regarding claims 18, 19, 37 and 38, refer to the discussion for claims 14-16. Regarding claims 20, 26, 39, and 40, Cohen further discloses that the processor is coupled to a memory (18 in FIG.1A), the memory storing the connection information as a database of the connection information (col. 6, lines 41-43).

Regarding claims 21, 25, 27, 28, 41, and 42, Cohen further discloses that the processor is coupled to the memory and a user interface (the hand-held optical scanner 14 and a computer 15 in FIG. 1A), the user interface cooperating with one or both of the processor and memory to display (a display unit 20 in FIG. 1A) connection information (col. 6, lines 43-46).

Regarding claims 23 and 24, Cohen further discloses that the processor is communicatively coupled to the user interface, the user interface situated geographically remote from the processor and the plurality of termination elements.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 22, 29-32, and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al (U.S. Patent No. 5,821,510).

Refer to the discussion for claim 14, but Cohen et al (Cohen) differs from the present application in that Cohen teaches an optically encoded bar code on a sticker, while the present application discloses a light emitting annunciator for each receptacle.

It is the Official Notice that using a light emitting annunciator with a scanner for testing or monitoring known in the art. Therefore, it would have been obvious to one having an ordinary skill in the art to incorporate an annunciator into each receptacle of Cohen to monitor connection status of the cross-connected receptacles.

Response to Arguments

7. Applicant's arguments filed 7/12/2007 have been fully considered but they are not persuasive.

Regarding claim 14, Applicant argues (Remarks page 3, lines 1-2) that Cohen's processor 17 is not coupled to the jumper 8 in any way. Examiner disagrees.

With reference to col. 6, line 41- col. 7, line 60, the processor 17 controls the storing of the connection information associated with jumper 8. Therefore, the processor 17 is coupled to the jumper 8. Since the definition of the term "coupled" is not specifically recited in the claim, Examiner interprets the term "coupled" in the claim as broad as possible, i.e., the "coupled" in the claim is interpreted as "associated" in the reference.

Applicant further argues (Remarks page 3, lines 3-4) that "the processor cording the communication of the connection information signals via the second communication medium" is not taught by Cohen. Examiner disagrees.

With reference to col. 6, lines 24-39, the processor 17 (computer 15) is receiving the connection information via the second communication medium (jumper 8). Since the definition of the term "coordinating" is not specifically recited in the claim, Examiner interprets the term "coordinating" in the claim as broad as possible, i.e., the "coordinating" in the claim is interpreted as "receiving" in the reference.

Regarding claim 17, Applicant argues (Remarks page 3, lines 15-17) that the jumper 8 does not comprise the first communication pathway and the second communication pathway. Examiner disagrees. With reference to the discussion for the claim rejection above, Cohen teaches that the jumper 8 comprises the first communication pathway and the second communication pathway as recited in the claim.

Applicant further argues (Remarks page 3, lines 22-24) that the jumper 8 does not transmit connection information signals to and from the first and second termination elements. Examiner disagrees. Cohen clearly teaches that the connection information signals (data) to and from the first and second termination elements are provided via the second communication pathway. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **transmitting** the connection information signals to and from the first and second termination elements) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claim 33, Applicant argues (Remarks page 4, lines 3-6) that Cohen doe not teach communicating the connection information signals between the cross-connect termination elements. Examiner disagrees. Refer to the discussion for claim 17 above. Cohen clearly teaches communicating (receiving) the connection information between the cross-connect termination elements.

For the reasons as discussed above, Examiner believes that the claim rejection is proper.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon D. Hyun whose telephone number is 571-272-3121. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Hyun
9/24/2007

CHI PHAM
SUPERVISORY PATENT EXAMINER

9/27/07